

Law Offices of
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July 18, 2023

BY ECF

Hon. Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

RE: *Fromer v. Manhattan West Associates, L.P., et al.*
23cv1270 (JLR)(NS)

Dear Judge Rochon:

I represent the Plaintiff in the above referenced action and submit this joint application seeking an adjournment of date to participate in mediation and the Rule 16 conference scheduled for August 17, 2023. This is the Parties' second request for an adjournment of mediation and Rule 16 conference.

Currently, mediation statements are due on July 24, 2023, and mediation is scheduled for July 28, 2023. Parties have had two pre-mediation conferences with the mediator, Carol Buckler, and have discussed with Ms. Buckler the need for an adjournment of the mediation. Further, Parties have worked cooperatively to exchange documents, and Plaintiff has served Defendants with a settlement demand.

Nonetheless, Parties respectfully seek an adjournment of the mediation because we have not finished exchanging relevant documents concerning the claims and defenses, and subsequent damages, including actual costs incurred by Plaintiff. We also need more time to accurately assess the current conditions in plaintiff's apartment.

Furthermore, Plaintiff Cynthia Fromer has had difficulties gathering the relevant discovery because she is bedbound. Until recently, Ms. Fromer was an inpatient at a rehabilitation hospital and prior to being discharged, Ms. Fromer sustained a physical injury. Consequently, since arriving home, Ms. Fromer has been bedbound and unable to access her computer or gather the documents and receipts related to her claims for actual costs.

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Additionally, an adjournment of the mediation is requested because Defendants' insurer requires a pre-mediation report 30 days prior to the mediation. Because Parties have not finished exchanging the necessary documents, Defense counsel has yet to submit the mediation report to the insurer. Consequently, with this adjournment Parties will have the opportunity to exchange the relevant documents, and Defendants' counsel will be able to timely provide the insurer with the required report.

In an effort to determine an adjourned date, Ms. Buckler and the Parties have proposed having the mediation on September 8, 2023. A mediation on this date would necessitate an adjournment of the August 17, 2023 Rule 16 Conference.

We thank you very much for your consideration and are available to address any questions the Court may have.

Respectfully,

/s/ James E. Bahamonde

James E. Bahamonde, Esq.

cc: (via ECF)
Jeffrey N. Rejan, Esq.
Attorneys for Defendants
Malapero Prisco & Klauber LLP

VIA EMAIL: Carol.Buckler@nyls.edu
Carol Buckler, Esq.
Mediator

The initial pretrial conference is hereby adjourned to **September 28, 2023 at 11 a.m.** in Courtroom 20B. The deadline to participate in mediation is extended to **September 18, 2023**.

Dated: July 19, 2023
New York, New York
SO ORDERED.


JENNIFER L. ROCHON
United States District Judge